

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.6674 OF 2007

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DATED: 02-04-2007

BETWEEN

Smt. Yasmeen Begum,
W/o. Mohammed Jaleel,
R/o. Flat No.206, Akber Plaza,
16-10-50, Malakpet,
Hyderabad and others.

...PETITIONERS

AND

Government of Andhra Pradesh,
Rep. by its Secretary,
Municipal Administration Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

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Learned counsel for the petitioners submits that the petitioners are owners of various properties mentioned in the writ affidavit and that the respondents issued various notices to the petitioners proposing to acquire their properties for the purpose of road widening and requested the petitioners to handover physical possession of the affected portion of their properties and take compensation for the structures as per the Government Orders in vogue.

2. I am of the opinion that if the petitioners are not inclined to accept the said proposal of entering into agreement under Section 146 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act') it is open for the petitioners to file their objections stating that they are not inclined to accept the proposal or enter into an agreement for settlement of compensation or avail the benefit under the Government Orders. However, if the petitioners are not inclined to enter into an agreement it is also open to the respondents

to acquire the land under Section 147 of the Act by initiating proceedings under the Land Acquisition Act, 1984.

Having regard to the facts and circumstances of case, the writ petition is disposed of permitting the petitioners to file their objections against the impugned letters, if not already filed, within one week from today and if the petitioners are not inclined to avail the said benefit it is open to the respondents to initiate action under Section 147 of the Act. However, the respondents are directed not to dispossess the petitioners without following due procedure prescribed in law.

There shall be no order as to costs.

V. ESWARAIAH, J

April 2, 2007

Note: Furnish C.C. of the order by 04.04.2007

(B/o)

DSK